

## Agricultural Marketing Service, USDA

## § 916.20

### § 916.5 Nectarines.

*Nectarines* means all varieties of *Prunus Amygdalus Nectarina*, commonly called nectarines, grown in the production area.

### § 916.6 Varieties.

*Varieties* means and includes all classifications or subdivisions of nectarines.

### § 916.7 Fiscal period.

*Fiscal period* is synonymous with fiscal year and means the 12-month period beginning on March 1 of one year and ending on the last day of February of the following year or such other period as the committee, with the approval of the Secretary, may prescribe.

### § 916.8 Committee.

*Committee* means the Nectarine Administrative Committee established pursuant to § 916.20.

### § 916.9 Grower.

*Grower* is synonymous with producer and means any person who produces nectarines for the fresh market and who has a proprietary interest therein.

### § 916.10 Handler.

*Handler* is synonymous with shipper and means any person (except a common or contract carrier transporting nectarines owned by another person) who handles nectarines.

### § 916.11 Handle.

*Handle* and *ship* are synonymous and mean to sell, consign, deliver, or transport nectarines, or to cause nectarines to be sold, consigned, delivered, or transported, between the production area and any point outside thereof, or within the production area: *Provided*, That the term handle shall not include the sale of nectarines on the tree, the transportation within the production area of nectarines from the orchard where grown to a packing facility located within such area for preparation for market, or the delivery of such nectarines to such packing facility for such preparation.

### § 916.12 District.

*District* means the applicable one of the following described subdivisions of the production area or such other subdivision as may be prescribed pursuant to § 916.31:

(a) *District 1* shall include the counties of Madera, Fresno, and Kings and that portion of Tulare County north of the 4th Standard Parallel south of the Mount Diablo Base Line of the General Land Office.

(b) *District 2* shall include that portion of Tulare County not included in District 1.

(c) *District 3* shall include all of the production area lying south of the northern boundaries of the counties of San Luis Obispo, Kern, and San Bernardino.

(d) *District 4* shall include the counties of Merced, Stanislaus, and the balance of the production area.

[31 FR 8176, June 10, 1966]

### § 916.13 Pack.

*Pack* means the specific arrangement, size, weight, count, or grade of a quantity of nectarines in a particular type and size of container, or any combination thereof.

### § 916.14 Container.

*Container* means a box, bag, crate, lug, basket, carton, package, or any other type of receptacle used in the packaging or handling of nectarines.

### § 916.15 Marketing season.

*Marketing season* means the period beginning on May 1 and ending on November 30 of any year.

#### ADMINISTRATIVE BODY

### § 916.20 Establishment and membership.

There is hereby established a Nectarine Administrative Committee consisting of eight members, each of whom shall have an alternate who shall have the same qualifications as the member for whom he is an alternate. The members and their alternates shall be growers or employees of growers. Five of the members and their respective alternates shall be producers of nectarines in District 1. One member and

## §916.21

his alternate shall be producers of nectarines in District 2; one of the members and his alternate shall be producers of nectarines in District 3; and one member and his alternate shall be producers of nectarines in District 4.

[31 FR 8176, June 10, 1966]

### §916.21 Term of office.

The term of office of each member and alternate member of the committee shall be for 2 years beginning on March 1 of an odd numbered year and ending on the last day of February of an odd numbered year. Members and alternate members shall serve in such capacities for the portion of the term of office for which they are selected and have qualified and until their respective successors are selected and have qualified.

[36 FR 9290, May 22, 1971]

### §916.22 Nomination.

(a) *Initial members.* Nominations for each of the initial members, together with nominations for the initial alternate members for each position, may be submitted to the Secretary by the committee responsible for promulgation of this part. Such nominations may be made by means of group meetings of the growers concerned in each district. Such nominations, if made, shall be filed with the Secretary no later than the effective date of this part. In the event nominations for initial members and alternate members of the committee are not filed pursuant to, and within the time specified in, this section, the Secretary may select such initial members and alternate members without regard to nominations, but selections shall be on the basis of the representation provided in §916.20.

(b) *Successor members.* (1) The committee shall hold or cause to be held, not later than February 15 of each odd numbered year, a meeting or meetings of growers in each district for the purpose of designating nominees for successor members and alternate members of the committee. These meetings shall be supervised by the committee which shall prescribe such procedure as shall be reasonable and fair to all persons concerned.

## 7 CFR Ch. IX (1-1-05 Edition)

(2) Only growers who are present at such nomination meetings, or represented at such meetings by duly authorized employees, may participate in the nomination and election of nominees for members and their alternates.

(3) A particular grower, including employees of such grower, shall be eligible for membership as principal or alternate to fill only one position on the committee.

[23 FR 4616, June 25, 1958. Redesignated at 26 FR 12751, Dec. 30, 1961, and amended at 31 FR 8176, June 10, 1966; 36 FR 9290, May 22, 1971]

### §916.23 Selection.

From the nominations made pursuant to §916.22, or from other qualified persons, the Secretary shall select the eight members of the committee and an alternate for each such member.

### §916.24 Failure to nominate.

If nominations are not made within the time and in the manner prescribed in §916.22, the Secretary may, without regard to nominations, select the members and alternate members of the committee on the basis of the representation provided for in §916.20.

### §916.25 Acceptance.

Any person selected by the Secretary as a member or as an alternate member of the Committee shall qualify by filing a written acceptance with the Secretary promptly after being notified of such selection.

### §916.26 Vacancies.

To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the committee to qualify, or in the event of the death, removal, resignation, or disqualification of any member or alternate member of the committee, a successor for the unexpired term of such member or alternate member of the committee shall be nominated and selected in the manner specified in §§916.22 and 916.23. If the names of nominees to fill any such vacancy are not made available to the Secretary within a reasonable time after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made